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EXAMINER
PHANTANA ANGKOOL, DAVID

ART UNIT	PAPER NUMBER
2175	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/554,031	STEVENSON, DAVID WATT
	Examiner	Art Unit	
	David Phantana-angkool	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 March 2009</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>73-100</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>73-100</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This application has been reassigned to Examiner David Phantana-angkool.

2.   This action is responsive to Amendment filed on March 23rd, 2009. **This action is made Final.**

3.   Claims 73-100 are pending in the case. Claims 73, 78, 83, 87, 91 and 96 are the independent

claims.

4.   Applicant amended claims 73-75, 78-80, 83, 84, 87, 88, 91-93.

Claim Rejections - 35 USC § 103

5.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

6.   **Claims 73-100 are rejected under 35 U.S.C. 103(a) as being unpatentable by Banerjee et al.,**

US 6,983,273 in view of Herz, US# 6,020,883.

As for independent claim 73:

Banerjee discloses the claimed aspect of *a method for identifying a measure of similarity between*

activities of a plurality of parties using groups of information associated with, and representative of those

parties on the world wide web or in other information stores, the method comprising in FIG. 7 and FIG. 8,

wherein a results page shown on a portion of a computer display (79), in which a search for sites

regarding child health care was performed and five results items or "hits" (71- 75) are given, each with a

short summary or the first few words for the linked site page, a relevance score, and a URL. As per typical

search engine results, these results are sorted by degree of relevance. (Banerjee, Column 9, lines 24-30).

Banerjee discloses the claimed aspect of *analyzing groups of information comprising text data of web sites which are representative of the activities of each party*, wherein a web site is added to the engine's categories and keyword lists as suggested and as determined by analysis of the content of the submitted web site (e.g. word frequency analysis, hyper text header tags, etc. Banerjee shows indexing engine which have indexing operation, see Para. 1: 46-59) and measure of important is determined by word frequency analysis or hyper text header tags analysis. (Banerjee, Column 1, lines 53-57).

Banerjee discloses the claimed aspect of *prior user involvement deriving a content profile for the information group of each party without prior knowledge of the content of the information group, and comparing the profiles to identify a degree of similarity between parties* in FIG. 7 and FIG. 8, wherein a relevance percentage is determined based on counting the number of keywords common to each hit list. Banerjee further shows that the results are sorted by degree of relevance and that no sorting or filtering preferences have been set or specified (9:24-33). Furthermore Banerjee disclosed that each site server provides content and is indexed by the search engine server (6:59-67). Banerjee further shows the process of associating characteristic factors with linked sites is presented in Figure 4. The ratings for the linked site and potentially for any sites from which the linked site republishes information are obtained from one or more co-opted servers. These ratings are dynamically updated (8:1-36), and therefore the content profile occurs prior to user involvement.

Banerjee does not specifically show *providing information about the degree of similarity between parties in response to user input which identifies one of the parties or a representative website of one of the parities, without requiring a user to enter a keyword search or provide other advance knowledge of a subject of the information groups*. In the same field of invention Herz shows *providing information about the degree of similarity between parties in response to user input which identifies one of the parties or a representative website of one of the parities, without requiring a user to provide advance knowledge of a subject of the information groups* in Col. 4, lines 35-62. Both Banerjee and Herz are analogous art. Accordingly it would have been obvious to a skilled artisan to modify the method of Banerjee and to incorporate the determining the degree of similarity between parties in response to user input without requiring a user to enter a keyword as taught by Herz, thus allowing the system to match a closely related

data set that matches the user objected preferences (4:30-34).

For Additionally information, also Dedhia, in US 20030212669(included previously in 892) discloses the claimed aspect of comparing comprises counting the number of topics common to the profiles of each party in FIG. 6, wherein all of the filtered relevant product catalog descriptions are ranked based on the frequency and importance of these terms with respect to its category (6.3). Applicant should duly note in such a ranking system counting is used to determine the frequency.

As for dependent claim 74:

Banerjee discloses the claimed aspect of *analyzing comprises; calculating a frequency of occurrence of word and phrase topics in the group, wherein allocating a measure of importance to each topic in the group which is proportional to the topic frequency of occurrence in the group*, wherein a web site is added to the engine's categories and keyword lists as suggested and as determined by analysis of the content of the submitted web site (e.g. word frequency analysis, hyper text header tags, etc.) and measure of important is determined by word frequency analysis or hyper text header tags analysis. (Banerjee, Column 1, lines 53-57). Furthermore, important keywords determination is based on word frequency (Banerjee, Column 1, lines 53-57) and in FIG.4, the process (40) of associating characteristic factors with linked sites is presented. When a search engine receives (41) an initial submission for indexing content from a linked site (or upon re-indexing of a previously indexed linked site), the actual content of the linked site is analyzed (42) by retrieving one or more pages and web objects from the linked site server (36). Well-known processes such as word statistical analysis can be used to determine the keywords to be indexed to the site. (Banerjee, Column 8, lines 1-8). Furthermore, in FIG. 5, the logical process (50) during operation in cooperation with a search process is shown. When a set of search criteria is received (51) from a client computer (32) such as a set of keywords, phrases, or QBE example, the search engines general index (34) is searched (52). The ratings index (34') is accessed for each results item (e.g. for each "hit"), and a results page is created with the summaries and one or more associated characteristics icons or symbols for each result item. Applicant should duly note that the unrelated topics are not shown as hits.

Banerjee discloses the claimed aspect of comparing comprises: *using the measure to generate a*
topic profile for each group that includes a plurality of topic identifiers and an indication of the importance
of each of the topics identified to the group; defining a list of related topics which are related to the subject
of the group in response to user input which identifies one of the parties, or a representative website of
one of the parties, but without requiring the user to provide advance knowledge of the subject of the
group, in FIG. 7 and FIG. 8, wherein a relevance percentage is determined based on counting the
number of keywords common to each hit list and comparison. Furthermore, also Dedhia, in US
20030212669 discloses the claimed aspect of comparing comprises counting the number of topics
common to the profiles of each party in FIG. 6, wherein all of the filtered relevant product catalog
descriptions are ranked based on the frequency and importance of these terms with respect to its
category (6.3). Applicant should duly note in such a ranking system counting is used to determine the
frequency.

Banerjee discloses the claimed aspect of *discarding topics in the topic profile which do not*
appear in the list of related topics; and comparing the topic profiles to derive a measure of similarity
between groups, wherein important keywords determination is based on word frequency (Banerjee,
Column 1, lines 53-57) and in FIG.4, the process (40) of associating characteristic factors with linked sites
is presented. When a search engine receives (41) an initial submission for indexing content from a linked
site (or upon re-indexing of a previously indexed linked site), the actual content of the linked site is
analyzed (42) by retrieving one or more pages and web objects from the linked site server (36). Well-
known processes such as word statistical analysis can be used to determine the keywords to be indexed
to the site. (Banerjee, Column 8, lines 1-8). Furthermore, in FIG. 5, the logical process (50) during
operation in cooperation with a search process is shown. When a set of search criteria is received (51)
from a client computer (32) such as a set of keywords, phrases, or QBE example, the search engines
general index (34) is searched (52). The ratings index (34') is accessed for each results item (e.g. for
each "hit"), and a results page is created with the summaries and one or more associated characteristics
icons or symbols for each result item. Applicant should duly note that the unrelated topics are not shown
as hits.

As for dependent claim 75:

Banerjee discloses the claimed aspect of *determining the list of related topics utilizes a*

thesaurus(association with predefined symbols, Abstract) *to provide a plurality of related topic lists,*

wherein a web site is added to the engine's categories and keyword lists as suggested and as determined

by analysis of the content of the submitted web site (e.g. word frequency analysis, hyper text header tags,

etc.) and measure of important is determined by word frequency analysis or hyper text header tags

analysis. (Banerjee, Column 1, lines 53-57).

Banerjee discloses the claimed aspect of *each list related to a single topic in the topic profile, and*

aggregates the lists to form a final list of related topics for use in discarding topics in the topic profile in

FIG.4, the process (40) of associating characteristic factors with linked sites is presented. When a search

engine receives (41) an initial submission for indexing content from a linked site (or upon re-indexing of a

previously indexed linked site), the actual content of the linked site is analyzed (42) by retrieving one or

more pages and web objects from the linked site server (36). Well known processes such as word

statistical analysis can be used to determine the keywords to be indexed to the site. (Banerjee, Column 8,

lines 1-8). Furthermore, in FIG. 5, the logical process (50) during operation in cooperation with a search

process is shown. When a set of search criteria is received (51) from a client computer (32) such as a set

of keywords, phrases, or QBE example, the search engines general index (34) is searched (52). The

ratings index (34') is accessed for each results item (e.g. for each "hit"), and a results page is created with

the summaries and one or more associated characteristics icons or symbols for each result item.

Applicant should duly note that the unrelated topics are not shown as hits.

As for dependent claim 76:

Claim 76 contains similar substantial subject matter as claimed in claim 74, and is respectfully rejected

along the same rationale.

As for dependent claim 77:

Banerjee discloses the claimed aspect of group of electronic document text comprises pages of a web

site in FIG. 7 and FIG. 8, wherein a listing of web sites are illustrated. Banerjee discloses the claimed

aspect of downloading each page of the site in order to do the step of analyzing in FIG.4, wherein when a

search engine receives (41) an initial submission for indexing content from a linked site (or upon re-indexing of a previously indexed linked site), the actual content of the linked site is analyzed (42) by retrieving one or more pages and web objects from the linked site server (36). Well known processes such as word statistical analysis can be used to determine the keywords to be indexed to the site. Keyword lists may be used to categorize the content of the site. (Banerjee, Column 8, lines 3-10).

As for claims 78-82:

Independent claim 78 and dependent claims 79-82 reflect the system comprising of computer readable instructions for performing the step of method independent claim 73 and dependent claims 74-77 and are respectfully rejected along the same rationale.

As for claims 83-86:

Claims 83-86 contain similar substantial subject matter as claimed in claims 73-77, and are respectfully rejected along the same rationale.

As for claims 87-90:

Independent claim 87 and dependent claims 88-90 reflect the system comprising of computer readable instructions for performing the step of method independent claim 74 and dependent claims 75-77 and are respectfully rejected along the same rationale.

As for claims 91-95:

Claims 91-95 contain similar substantial subject matter as claimed in claims 73-77, and are respectfully rejected along the same rationale.

As for claims 96-100:

Independent claim 96 and dependent claims 97-100 reflect the system comprising of computer readable instructions for performing the step of method independent claim 73 and dependent claims 74-77 and are respectfully rejected along the same rationale.

Response to Arguments

7.   Applicant's arguments filed 03/23/2009 have been fully considered but they are not persuasive.

Reference is made to MPEP 2144.01 - Implicit Disclosure

8.   "[I]n considering the disclosure of a reference, it is proper to take into account not only specific

teachings of the reference but also the inferences which one skilled in the art would reasonably be

expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

As for independent claim 73:

9.   Applicants argue that Banerjee and Herz, alone or in combination, fail to teach or suggest the

claimed invention of *the derivation of the content profile occurs <u>prior to user involvement</u>* (Applicants'

Remarks, Pg. 10-11) and the limitation: *<u>prior to user involvement</u>, deriving a content profile for an*

information group without prior to user knowledge of the content of the information group (Applicants'

Remarks, Pg. 12-13).

The Office respectfully disagrees.

10.   Banerjee disclosed that each site server provides content and is indexed by the search engine

server (6:59-67). Banerjee further shows the process of associating characteristic factors with linked sites

is presented in Figure 4.   The ratings for the linked site and potentially for any sites from which the linked

site republishes information are obtained from one or more co-opted servers.   These ratings are

dynamically updated (8:1-36), and therefore the content profile occurs prior to user involvement.   From

the reasoning set forth above, Banerjee in combination with Herz render all the limitations in claim 73 as

obvious including the limitation: *<u>prior to user involvement</u>, deriving a content profile for an information*

group without prior to user knowledge of the content of the information group.

As for independent claim 78, 83, 87, 91 and 96:

With regard to independent claims 78, 83, 87, 91 and 96, the applicants argue the same argument as

presented above. Thus as indicated in the above discussion, the same rationale/rejection applies to

independent claims 78, 83, 87, 91 and 96:

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth

in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP
/David Phantana-angkool/
Examiner, Art Unit 2175

/Adam L Basehoar/
Primary Examiner, Art Unit 2178